

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

ALONZO D. SHEPHARD,

Plaintiff,

Case No. 3:22-cv-76

vs.

SHELLY DALLAS SHEPHARD, *et al.*,

District Judge Michael J. Newman

Magistrate Judge Chelsey M. Vascura

Defendants.

ORDER: (1) ADOPTING THE REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE (DOC. NO. 5); (2) DENYING PLAINTIFF'S MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*; (3) ORDERING PLAINTIFF TO PAY THE \$402 FILING FEE WITHIN 30 DAYS OF THIS ORDER; (4) ADVISING PLAINTIFF THAT, TO AVOID DISMISSAL OF ANY FUTURE CASES, HE DISCLOSE HIS PREVIOUSLY DISMISSED CASES; AND (5) DIRECTING THAT THIS ORDER BE DISTRIBUTED TO THE CLERKS' OFFICES IN CINCINNATI, COLUMBUS, AND DAYTON TO ENFORCE THE DISCLOSURE REQUIREMENT

This case is before the Court on the Report and Recommendation issued by United States Magistrate Judge Chelsey M. Vascura (Doc. No. 5), to whom this case was referred under 28 U.S.C. § 636(b). Judge Vascura recommended that the Court deny Plaintiff's motion to proceed *in forma pauperis* under 28 U.S.C. § 1915(g); that he be ordered to pay the standard \$402 filing fee (a \$350 filing fee, plus a \$52 administrative fee); and, considering he has filed over 100 prior cases in this Court, that he be advised the Court will dismiss with prejudice any future cases in which he seeks *in forma pauperis* status without identifying his previously dismissed cases. Doc. No. 5. Plaintiff did not object to the Report and Recommendation.

Upon careful *de novo* consideration of the foregoing, and in the absence of any objection by Plaintiff, the Court determines that the Report and Recommendation should be adopted. Accordingly, it is hereby **ORDERED** that: (1) the Report and Recommendation is **ADOPTED** in

full (Doc. No. 5); (2) Plaintiff's motion to proceed *in forma pauperis* is **DENIED**; and (3) Plaintiff is **ORDERED** to pay the \$402 filing fee within **30 DAYS OF THIS ORDER**.¹ Plaintiff is hereby **ADVISED** that failure to comply with this Order will result in dismissal of this action. *See* 28 U.S.C. § 1915(e)(2). Plaintiff is further **ADVISED** that the Court will dismiss with prejudice any future cases in which he seeks *in forma pauperis* status should he not identify his previously dismissed cases. To that end, this Order shall be distributed to the Clerks' Office in Cincinnati, Columbus, and Dayton to enforce this disclosure requirement.

IT IS SO ORDERED.

Date: May 23, 2022

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge

¹ Pursuant to 28 U.S.C. § 1915(a)(3), the Court hereby **CERTIFIES** to the United States Court of Appeals for the Sixth Circuit that an appeal by Plaintiff would be frivolous and not taken in good faith. Consequently, Plaintiff should not be permitted to proceed *in forma pauperis* on appeal, and the Court **DENIES** Plaintiff a certificate of appealability.